



City of Carmel

Carmel Board of Zoning Appeals Regular Meeting Monday, March 26, 2007

The regularly scheduled meeting of the Carmel Board of Zoning Appeals met at 6:00 PM on Monday, March 26, 2007, in the Council Chambers of City Hall, Carmel, Indiana. The meeting opened with the Pledge of Allegiance.

Members in attendance were Kent Broach, Leo Dierckman, James Hawkins and Madeleine Torres, thereby establishing a quorum. Angie Conn, Mike Hollibaugh, and Rachel Boone represented the Department of Community Services. John Molitor, Legal Counsel, was also present.

Mrs. Torres moved to approve the minutes of the February 26, 2007 meeting as submitted. The motion was seconded by Mr. Dierckman and **APPROVED 4-0.**

G. Reports, Announcements, Legal Counsel Report, and Department Concerns

1g. The Dept. requests the Board vote to postpone the public hearing of Applegate Condominiums to April 23.

Mrs. Conn gave the Department Report. Items 21-22h, Hamilton Beverage has been tabled to the April 23 meeting. Public Notice was two days late for Items 13-16h, Pearson Ford signage. The Board would need to vote to suspend the rules in order to hear the items. Mrs. Conn stated the Department requested the Board to vote to postpone Items 1-7h, Applegate Condominiums, due to the passing away of the property owner, Mr. Applegate.

Mr. Molitor gave the Legal Report. The Executive Session that had been tentatively scheduled after this meeting was cancelled because all five of the pertinent members could not attend. He did not have a lot of additional news to discuss at this point. He would like to tentatively schedule an Executive Session for next month to discuss the litigation. They are working through the discovery process with the attorneys for the adversaries.

Mr. Dierckman moved to postpone Items 1-7h, Applegate Condominiums. The motion was seconded by Mr. Hawkins and **APPROVED 4-0.**

Mr. Dierckman moved to suspend the rules to hear Items 13-16h, Pearson Ford signage. The motion was seconded by Mr. Broach and **APPROVED 4-0.**

H. Public Hearing:

1-7h. Applegate Condominiums

The applicant seeks the following development standards variance and special use approvals:

Docket No. 07010002 V	Section 23D.03.C.3.k(ii)	maximum building height
Docket No. 07010003 V	Section 23D.03.C.3.f(i)	parking in front yard
Docket No. 07010004 V	Section 23D.03.C.3.i(i)	roof pitch
Docket No. 07010005 V	Section 23D.03.C.3.a(ii)	building mass/width

Docket No. 07010006 V Section 23D.03.C.3.e(ii) **landscape requirements**
Docket No. 07010007 SU Section 10.02.A **special uses**
Docket No. 07010014 V Section 23D.03.C.3.c.iii(b) **lot coverage over 70%**
The site is located at 130 Second St. NW., and is zoned R-4/Residence within the Old Town Overlay – Character Subarea. Filed by Thomas Lazzara for On Track Properties, Inc.

These Dockets were **TABLED** to April 23, 2007 per the Board's vote.

8-10h. TABLED: West Carmel Shoppes - Signage

~~The applicant seeks the following development standards variance approval:~~

~~**Docket No. 06120007 V** **Section 25.07 Sign Chart B** **sign height**~~

~~**Docket No. 06120008 V** **Section 25.07.01.04** **off-premise sign**~~

~~**Docket No. 06120009 V** **Sections 25.07.01.08, 25.07.02.09** **number of signs**~~

~~The site is located at southeast corner of 106th St and US 421 is zoned B-3/Business and within the US 421 Overlay. Filed by Paul Reis of Bose McKinney & Evans, LLP.~~

11-12h. WITHDRAWN: Northern Heights, lot 7 – Brunson Insurance

~~The applicant seeks the following use variance & development standards variance approval for an office use in a residential district:~~

~~**Docket No. 07010022 UV** **Section 7.01.01** **permitted uses**~~

~~**Docket No. 07010023 V** **Section 27.03** **unpaved, uncurbed parking area**~~

~~The site is located at 501 E 116th St. and is zoned R-1/Residence. Filed by Michael Godfrey.~~

13-16h. Pearson Ford - Signage

The applicant seeks the following development standards variance approval:

Docket No. 07020001 V **25.07.02.09.e** **Sign location**

Docket No. 07020002 V **25.07.02.09.b** **Number of signs per tenant space**

Docket No. 07020004 V **Chapter 3.07** **Definition of logo**

Docket No. 07020008 V **Sign Chart B** **Square footage**

The site is located at 10650 N Michigan Rd is within the Michigan Rd Corridor Overlay and is zoned B-3/Business. Filed by Dave Coots of Coots, Henke, & Wheeler.

Present for the Petitioner: Dave Coots of Coots, Henke & Wheeler. He explained the delay in the Public Notice. Notice was mailed to all of the adjoining property owners and return receipt cards were returned. The sign was posted timely on the property. They submitted the publication information to the Indianapolis Star two and a half days prior to the publication deadline. However, when it was published on March 3 instead of March 1, they were told that the paper had too many public notices to publish them all at the appropriate time. Pearson Ford needs the sign variances for their new dealership items. There is a 35 square foot Truck Center sign on the east wall of the southernmost building that is there by variance. They are asking to replace that sign with the 51 square foot Auto Credit Builders sign which exceeds the Ordinance by 11.5 square feet. Auto Credit Builders is a wholly owned subsidiary of Pearson Ford with a separate existence that occupies that entire space. The pre-owned vehicles lot is a part of this business and the Auto Credit Builders assist clients with purchases. The second variance is to replace the Parts sign that exists on the east side of the building. The Truck Center sign is located to left of the Parts sign about halfway between the south and north property lines. They are replacing the Parts sign with a 32 square foot sign depicting Cummins Truck Engines and CAT Diesel Engines that the dealership has acquired the franchises to sell and service. This business will be located in the former Parts section of the building. That sign also necessitates the requirement for the third variance which is that the Ordinance precludes the logo of each sign to exceed 25 percent of the sign. The Department has made the determination that each of these signs

exceeds that logo restriction. They are also on the Plan Commission agenda for Thursday, March 29 for ADLS review to review the ascetics of the sign. The fourth variance is to relocate the Pearson Ford sign which is presently located on the south side of the building, to the north side of the building so that traffic coming south on US 421 will see the sign. Presently there is no signage facing that direction. The size of the Pearson Ford sign is 85 square feet. By reason of the dimensions of the building and its location in relation to Nottingham Drive, they would be permitted a sign of 105 square feet.

Members of the public were invited to speak in favor or opposition to the petition; no one appeared.

The Public Hearing was closed.

Mrs. Conn gave the Department Report. The Department recommended positive consideration of the Pearson Ford sign location which would face north toward the private drive. The Department recommended negative consideration of the rest of the variance requests. The Department feels that the two logos in one sign do not fit the character of the US 421 Overlay. The square footage of the sign facing east toward Michigan Road should be able to comply with the Sign Ordinance and still be visible from the road.

Mrs. Torres asked if the Auto Credit Builders was the sign facing east.

Mrs. Conn confirmed that location.

Mr. Coots stated that the letters of Truck Center and Auto Credit Builders are the same height, 20 inches. The size of the sign is increased because Auto Credit Builders is a long phrase. All the other signs presently located on the east elevation are 20 inches in height; the Parts sign, the previous Collision sign and the New Vehicle sign.

Mr. Hawkins asked to see the Truck Center and Parts signs that would be replaced.

Mr. Coots stated the Pearson Ford sign would be the same sign, just moved to the north elevation.

Mr. Dierckman asked if the Cummins and CAT signs were visible from US 421 and their significance.

Mr. Coots stated they would be visible from US 421. They are new products that the dealer has been awarded the franchise to sell and service. The belief is that the sign is needed in order to publicize the fact that they are an addition to the Ford dealership. He felt the Marsh Center across the street had a wide variety of signs with a multitude of different colors. That Center does not have a uniform sign plan. He did not feel Pearson Ford was varying from the US 421 Overlay existing sign pattern, by asking to go away from the blue signs that have historically been on Pearson Ford.

Mr. Hawkins asked how big the Parts sign was in comparison to the Cummins and CAT signs. Also, the difference between the Auto Credit Builders and the Truck Center sign.

Mr. Coots stated the Parts sign was 30 square feet and the Cummins and CAT signs together are 32 square feet. The Truck Center sign is 35 square feet and the Auto Credit Builders sign that is requested is 51.5 square feet.

Mr. Dierckman asked if the Auto Credit Builders and Cummins/CAT signs would be visible from US 421, with Pearson Ford on the other side. He had concerns about the Cummins/CAT sign being a block and the size and color.

Mr. Coots confirmed the location of the signs.

Mr. Hawkins stated the information stated the Auto Credit Builders was two feet by twenty-one.

Mr. Coots stated it is 20 inches, not 2.0 feet.

Mr. Dierckman moved to approve **Docket Nos. 07020001 V, 07020002 V, 07020004 V and 07020008 V, Pearson Ford signage**. The motion was seconded by Mr. Hawkins. **Docket No. 07020001 V was APPROVED 4-0. Docket Nos. 07020002 V and 07020004 V were DENIED** with Mr. Broach, Mr. Dierckman and Mrs. Torres casting the negative votes. **Docket No. 07020008 V was APPROVED 3-1** with Mr. Hawkins casting the negative vote.

17-19h. Frank E Hawkins Addition, Lot 1 - Bub's Café

The applicant seeks the following use variance & development standards variance approvals for a café in a residential district:

Docket No. 07020017 UV Section 8.01.01 permitted uses

Docket No. 07020018 V Section 27.08 reduced # parking spaces

Docket No. 07020019 V Section 27.03.02 uncurbed parking area

The site is located at 220 2nd Street SW and is zoned R-2/Residence in the Old Town Overlay – Character Subarea. Filed by Matt & Rachel Frey.

Present for the Petitioner: Matt Frey, 13491 Kingsbury Drive, Carmel. The property is zoned residential and they need a Use Variance for a restaurant/café. They will serve breakfast and a light lunch from approximately 7:00 am to 2:00 pm. The hours may fluctuate based on clientele. They may need to open earlier and stay open later. There are no breakfast places in the Old Town area. It will seat approximately 40 people. Based on the Old Town Overlay, they need one parking spot for two and a half seats. That would be 16 spots which would be cut in half with the Old Town Overlay. Because of the spacing and to maintain some ascetics and greenspace, they were looking to utilize a couple of the parking spaces across the Monon Trail which is public parking. It is zoned residential and they do not want to curb the parking. They would like to maintain some of the run-off to maintain the ascetics and landscaping.

Members of the public were invited to speak in favor or opposition to the petition; no one appeared.

The Public Hearing was closed.

Mrs. Conn gave the Department Report. She read a letter from a citizen who is in favor of the café. They hope the café would be approved. They were concerned about the large tree on the property which should come down because it appeared to be rotten. The Department recommended positive recommendation of the three variance requests with the condition the Use Variance be approved with a time limit to last only as long as the purposed breakfast/café use exists and also with the condition that the Petitioner record commitments to dedicate road right-of-way to the City, if and when the City requires it. The Petitioner should work with the City Forester for an approved landscape plan.

Mr. Dierckman asked if the Petitioner agreed to all the commitments.

Mr. Frey agreed to the commitments.

Mr. Hawkins asked Mr. Molitor to write the commitments.

Mr. Dierckman moved to approve **Docket Nos. 07020017 UV, 07020018 V, 07020019 V, Bub's Café, with Commitments.** The motion was seconded by Mr. Broach and **APPROVED 4-0.**

20h. Laura Vista - Signage

The applicant seeks the following development standards variance approval:

Docket No. 07020023 V Section 25.07.03-01.e location of temporary subdivision sign

The site is located west of the 14200 block of Laura Vista Dr. is zoned R-1/Residence within the US 431 Overlay. Filed by Jim White on behalf of Laura Vista, LLC.

Present for the Petitioner: Jim White, General Manager, Primrose Development, the developer of Laura Vista with offices located at 1016 3rd Avenue SW, Suite 100, Carmel and Will Wright, managing general partner for Laura Vista LLC, with offices located at 474 Gradle Drive, Carmel. A large aerial view of the area was shown. The variance deals with the location of a permitted sign. In order to get to Laura Vista, a client must enter from Jason Street off 146th Street to the subdivision. The sign would be a 4 by 8 horizontal non-illuminated 18 month temporary ground sign. The Board recently approved a similar sign for Beazer's Yorktown Woods which is south of the Laura Vista development. Yorktown Woods gains access via Laura Vista Drive. The Laura Vista sign would be on the 146th Street off ramp, not along Keystone Avenue. The residents he has spoken to are in favor of the sign for their development. The sign is very much needed to promote the sales of these \$500,000+ homes and accelerate the development of this community. This property was planned in June 2002. They were concerned about the construction traffic, noise, and nuisance to the residents in the Foster Estates subdivision. Therefore, they committed to one builder and one phase. According to the Ordinance, they are permitted a sign at each entry. Their entry is off Laura Drive which has a monument sign. The other permitted entry sign would be at their common border with Yorktown Woods. A sign at that location would not serve a purpose because there is no one driving by. They have sold ten properties out of 54 lots. It has been slower than they expected. They have tried many ways to promote the area. This 146th Street exit ramp is really their only frontage.

Members of the public were invited to speak in favor or opposition to the petition; no one appeared.

The Public Hearing was closed.

Mrs. Conn gave the Department Report. The Department recommended positive consideration of the docket. The variance is for the location of the sign. The temporary subdivision sign type is permitted.

Mr. Dierckman asked them to commit to 18 months.

Mr. White confirmed the 18-month time limit.

Mr. Hawkins asked about the size and material.

Mr. White stated the sign would be a four by eight horizontal wooden sign. They will be working with a knoll and the sign would be approximately four feet off the ground. They would erect it according to the Ordinance after obtaining a sign permit.

Mr. Broach confirmed the sign would be on the exit ramp and not along Keystone like the Beazer sign.

Mr. White pointed out the exit ramp location on the site plan.

Mr. Hawkins asked if there were any more developments in that area.

Mr. White stated there was a substantial piece of property to the south. The owner had been approached by many developers and would not sell at this point. Ultimately there could be a subdivision there. Yorktown Woods and Laura Vista are not visible from Keystone because of the woods. This undeveloped property is very visible from Keystone and would be a challenge for any developer.

Mr. Broach moved to approve **Docket No. 07020023 V, Laura Vista signage** with the **Condition** of an **18-month time limit** for the sign. The motion was seconded by Mrs. Torres and **APPROVED 4-0.**

21-22h. TABLED: Hamilton Beverage

The applicant seeks the following development standards variance approvals:

Docket No. 07020025 V	Section 25.07.02-08.c	maximum sign square footage
Docket No. 07020026 V	Section 25.07.02-08.b	sign oriented east

The site is located at 2290 E. 116th St. and is zoned B-8/Business.

Filed by Mary Solada of Bingham McHale, LLP for United Package Liquors.

23-31h. Merchants' Square - Signage

The applicant seeks the following development standards variance approval:

Docket No. 07020030 V	Section 25.07.02-09.b	number of monument signs
Docket No. 07020031 V	Section 25.07.02-09.b	all tenants not on sign
Docket No. 07020032 V	Section 25.07 Sign Chart A	sign height
Docket No. 07020033 V	Section 25.07 Sign Chart A	square feet, monument sign
Docket No. 07020034 V	Section 25.07.02-11.b	number of directory signs
Docket No. 07020035 V	Section 25.07.01.04	off-premise sign
Docket No. 07020036 V	Section 25.07.01.04	off-premise sign
Docket No. 07020037 V	Section 25.07 Sign Chart A	setback
Docket No. 07020038 V	Section 25.07 Sign Chart A	setback

The site is located at 2160 Keystone Way and is zoned B-8/Business.

Filed by Amanda Gates of Sign Craft Industries.

Present for the Petitioner: William Gershenson, member of Ramco Gershenson Properties. They acquired Merchants' Square about 3 years ago. Several things have developed in the area, such as additional competition in the marketplace which has taken from the 116th Street/Keystone intersection. They hope to create an environment for the tenants to be successful through allowing the citizens of this community and people who come from a significant distance to shop at some of the stores that only have one or two locations in the state. One of the things that has happened since acquiring the center is the left turn from eastbound 116th Street into the center near Hardee's has been eliminated, as well as the left turn out of the center. The main entrance is now behind the Blockbuster into Marsh at

AAA Way and has no identification sign. In speaking with their tenants, other individuals in the community and shoppers at the center, everyone has indicated that having some directional signage, some signage at the main entrances indicating what tenants are in the development and where they are located would make the shopping experience more productive. He indicated the plans of the signage within the development. Two of the three monument signs they want to construct are a modification of existing signs. The monument sign at 116th & AAA Way would be new.

Remonstrance:

Jack Badger, 3039 Rolling Springs Drive, a Carmel resident for 39 years. In 1996 the previous owner of Merchants' Square, the Linder Group, obtained variances for 5 additional signs plus the tallest sign in the City of Carmel. This 40-foot sign was to bear the names of all the businesses. As part of the approval of that sign, the BZA required the Linder Group and the current owner to present a quarterly report indicating the number of public service announcements that were shown on that sign for two years. As of this moment, they had not submitted one report. When he contacted the previous owner, he was told the sign was for tenants only, not for any public service use. He has observed over the past year that the current owner installed some leasing signs that were in violation of the Sign Ordinance for height and not having a permit. There are also certain tenants that are in violation of the City's Sign Ordinance, particularly Party Tree. Several years ago they were cited for having three large neon signs in their windows. Kevin Brennan, City of Carmel Code Enforcement Officer, got them to remove the signs. Magically they have reappeared and are again in violation. That is just one example of the violations that exist in Merchants' Square. The current owner cannot seem to control those violations. It was his opinion that Party Tree was thumbing their nose at the City Code Enforcement Officer. The Board represents the citizens in granting variances. A variance should need a demonstrated hardship. If not, pretty soon the variance becomes the standard. Merchants' Square has a very high visibility at 116th and Keystone. The 40-foot sign is visible for all to see going north or south on Keystone. As a citizen he suggested the variances be tabled for at least 30 days. During that time the Petitioner would be required to work with the City Code Enforcement Department to get all the tenants in compliance. Only then should the Board consider the variances. He understood that only two of the nine variances were being recommended by the Department. He had copies of the November 25, 1996 minutes showing the commitments. Public announcements should be one-third of the time on the announcement board. If they do not have the software to support the sign, they should turn it off.

Rebuttal:

Mr. Gershenson appreciated the comments. When they acquired the center from Gary Linder, they received the center's documentation. One of the issues they have had with the pylon sign is that the reader board is so ancient in technology. It is very difficult to maintain it, so they were doing it remotely from the office in Farmington Hills. They have now enlisted the help of some local people to maintain it. The bulbs are burning out and they are actively trying to keep it up. When they acquired the center, he did read the representation with regard to the City and the center across the street that Mr. Linder did own. Mr. Badger was correct with regard to the City notices on the reader board. He would have to go back to the office and follow-up to see what the method is for getting the information from the City so they could put it on the sign. If it is not there currently, he would tend to believe that maybe the information has not been given to them to put on the sign. With the speed on Keystone Avenue, he felt it was difficult to read the sign, unless stopped at the light. At one time, he recommended the removal of the sign. Because of the commitment with the City, they are obligated to continue the sign. He was not cognizant of any reports. They would have been 1996-98 when Linder owned the center and he would follow-up. For the leasing signs at the property that may or may not be out of code, they had enlisted the assistance of a local brokerage firm. It had been the Linder Company

and is now Sitehawk. It is their responsibility to create signage within Code and get it approved by the City. He would follow-up. For Party Tree and specific tenants, they have a process in place where his company, along with the City, must approve signage. It is very difficult to police. He implored the City and the Code Enforcer to copy them on any notices to the tenants. He would follow-up. With regard to hardship, he agreed that the pylon sign is very large with a significant number of tenants. Where the tenants are located within the property becomes somewhat difficult for people coming from other communities. Their desire is to allow the smaller tenants within the center to benefit from having the anchor tenants. The smaller tenants are not listed on the pylon sign. Hardship will be created with the viability of the center. Especially the past three years with the competition and the lack of ease to negotiate around the site, they have had several people go out of business. They cannot remain viable within the center because they do not have visibility to the main roads. With the competition of Clay Terrace and the surrounding community, they want to keep this asset in a condition that is indicative of the assets they own and manage as well as an asset for the Carmel community.

The Public Hearing was closed.

Mrs. Conn gave the Department Report. With regard to the code violations, the Code Enforcement Department has recently sent out violation letters to all the tenants involved. The City has also hired a new Code Enforcement Officer so that more code violations should be remedied in the near future. The City does have a system for getting the public event information to the property owner. The Sign Permit Officer faxes the public event request only when requests are received. That could be sporadic. As for the variances, the Department only recommended positive consideration for the variance to not have all tenants listed on the monument sign and for number of directory signs within the development. The Department feels that those would be beneficial. For all of the other variance requests, the Department recommended negative consideration. To go along with what Mr. Badger stated, there is a 39-foot 7-inch tall sign on Keystone with most of the tenants and there is a reader board. The two monuments signs being erected would be within the road right-of-way. The Petitioner would need consent to encroach approval from the Board of Public Works and Safety.

Mr. Broach felt it would be helpful to go through each site on the map for what is new or modified.

Mr. Gershenson indicated the signs on the color rendering. He had worked with David Littlejohn on height criteria. They would add tenant panels to the existing Merchants' Square monument signs which would make the signs larger. If people traveling east on 116th Street don't know the entrance at AAA Way is the main entrance, they would miss it and then need to U-turn at the Keystone light or find another way back to the center. The large pylon sign would be better if it had been located at the entrance at AAA Way, because that is the main entrance. They would modify the pylon sign if anyone had recommendations. Randy Tambourine is the project manager working with Amanda Gates from Sign Craft on creating the signage.

Randy Tambourine stated that in order to give their tenants adequate exposure with proper letter heights, they ended up with a sign that was 8-foot in height which exceeds the variance. The letters on the panels are only about 8 inches high. He indicated their location on the map.

Mr. Gershenson felt it was important to try to work out a situation that works for the Board and community as well as their organization for giving the tenants some visibility and some recognition, especially at the main entry points. They are currently working with some potential upscale tenants to fill some spaces within the shopping center. The potential tenants have explicitly commented that

without signage such as this proposal, it would make it very difficult for them to get approvals. The existing tenants have also stated their sales have gone down and they believe one of the reasons is because of the difficulty of access and understanding where to go. He would like to get a favorable approval for what they have presented or attempt to work with the community on what they can do to give that recognition so they continue to have a viable asset within Carmel.

Mrs. Torres asked if the number of monument signs was approved, but not the new monument sign, would it allow them to put one of the smaller monument signs on AAA Way. She could see their argument for needing a sign at AAA Way, but not necessarily an 8-foot sign.

Mrs. Conn stated there was still the issue of it being off-premise and also within the right-of-way.

Mr. Gershenson stated the sign would be right behind the Blockbuster building. He did not have a legal description, but believed it was their property.

Mrs. Conn stated the Department had researched the proposed road right-of-way for the thoroughfare plan, and it would be in the road right-of-way.

Mr. Gershenson stated if it is an issue with size, he would be more than willing to talk about that and discuss a modification. They are more than willing to work with placement of the sign.

Mr. Dierckman agreed with Mr. Badger that the Board should not be hearing this issue. It should be tabled until all the issues on the site are resolved. It takes a lot of "moxie and guts" to come before the Board when they already have violations in place and now are asking for more variances. He felt the signage was out of place for Carmel. If this was approved, everyone else would be coming in for additional signage. He asked if they would agree to eliminate their huge pylon sign completely. He felt it was hideous along Keystone, the main road into Carmel. Then he could be more flexible on some of the other locations. He understood the directional signage. He felt the Plan Commission and BZA worked hard and this was precisely what they did not want to happen.

Mr. Gershenson would have to research the removal of the pylon sign. He stated that he gets copied on everything that happens in the center and he had not seen anything about code violations. He would look into the code violations, but felt the sign broker and Party Tree had received the letters directly. The signage that the individual tenants do is submitted to the City. The tenants are responsible for getting permits for their signs, whether temporary or permanent. They are not intimately familiar with the sign code, because it is a City approved process. He would not have been cognizant of the violations.

Mr. Dierckman remembered when the Merchants' Square approvals came through. If a tenant says they are in Merchants' Square, there are signs and logo everywhere that say Merchants' Square. Maybe the tenants need to advertise better.

Mr. Gershenson stated there are currently signs on Carmel Drive and AAA Way and one on 116th Street by Mellow Mushroom and the pylon sign. Other than that, there are no other identification signs.

Mr. Broach felt the consensus was the directional signs were okay and he agreed there may be a need for a sign at AAA Way and 116th. What that sign looks like is a different matter. They were uncomfortable with the modifications. They are happy Merchants' Square is here in the community

and it is a very nice development. They just want to make sure it stays that way. Did Mr. Gershenson want them to take the variances piecemeal? He was not comfortable with the new sign and modifications, but was comfortable with the directional signs. Did Mr. Gershenson want to come back or did he want them to vote on some of these?

Mr. Molitor stated this might need a continuance and request to the Plan Commission committee which will be considering the ADLS of all these items. That is a better platform to sort these issues out. This Board is essentially adjudicating whether or not someone is entitled to a variance. They have made out a case for a variance, but there are some good arguments against them because of the existing violations. He felt forcing these things to a vote tonight sets up a win/lose or maybe a lose/lose proposition for the community and the petitioner. Even though it is a little unorthodox for the Board to ask for advice from a Plan Commission committee, he felt it was justified in this case. The committee could work through the information and give a report back next month,

Mr. Gershenson asked if they had the opportunity to have the vote on the directional signage and table certain items and look into the code violations.

Mr. Hawkins agreed with what everyone else was saying. He understood the directional signs as legitimate issues. He felt if the monument sign was erected along 116th Street between Hardee's and the liquor store, it would block out Party Tree and Hallmark with the sign itself.

Mr. Gershenson asked Mr. Hawkins if he was equally uncomfortable with any type of identification shopping center or shopping center and tenant sign at AAA Way and 116th.

Mr. Hawkins felt maybe the Plan Commission Special Studies can perhaps get a better idea on what would be acceptable in those locations. He had reservations about pulling out into traffic with an 8 or 10-foot sign in the right-of-way which would create a variety of blind spots. He asked Mr. Molitor if the Board had the option to vote on select docket numbers.

Mr. Molitor stated the Board has control of its own docket. If some of the proposals are ready for a vote and some are not, it is within the Board's authority. It is unorthodox to ask the Plan Commission for advice on something. But it does not seem unreasonable, when past decisions that the Plan Commission had participated in are being revisited.

Mr. Gershenson asked if certain items are tabled does he have the opportunity to revisit their thoughts to make them more conducive, since he has heard the Board's opinions of what they are looking for.

Mr. Hawkins stated there would be interaction with the Special Studies committee.

Mr. Dierckman hesitated to telegraph to the Special Studies. He would rather see everything either approved or disapproved tonight or no action taken. He felt that would tell the Special Studies the Board liked these things, but apparently didn't like these things because they didn't vote on them. He pointed out he would be on the Special Studies committee in order to have a quorum.

Mr. Molitor stated a continuance would move it to next month's meeting. If it were tabled it would not come back on the agenda until the Board put it on the docket.

Mr. Gershenson asked who he would work with at the City.

Mrs. Conn stated he could contact her.

Mr. Hawkins moved to table **Dockets Nos. 07020030 V through 07020038 V, Merchants' Square signage**. The motion was seconded by Mr. Dierckman and **APPROVED 4-0**.

I. Old Business

There was no Old Business.

J. New Business

There was no New Business.

K. Adjournment

Mr. Broach moved to adjourn. The motion was seconded by Mr. Hawkins and **APPROVED 4-0**.

The meeting adjourned at 7:30 PM.

A lady in the audience asked about the hearing that was to be held regarding the roundabout at 103rd and Pennsylvania.

Mr. Hawkins informed her the Schneider dockets had been on the BZA Hearing Officer agenda at 5:45 PM in the Caucus Rooms.

Mrs. Conn stated she would go over the project with her.

James R. Hawkins, President

Connie Tingley, Secretary